IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 2189 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 15/12/2004 in WP NO : 22756 OF 2004 on the file of the High Court.)

Between:

N.Hari Babu S/o.N.Ramarao
Nallakunta,Hyderabad 500 044.

..... APPELLANT

AND

1 The Govt of A.P.,rep by Additional Secretary Tribal Welfare Department,Secretariat, Hyderabad.
2 The Dist Collector, Hyderabad Dist Hyderabad.

...RESPONDENTS.

Counsel for the Appellant :MR.NOUSHAD ALI

Counsel for the Respondents : GP FOR SOCIAL WELFARE

The Court at the stage of admission made the following:

ORDER: (Per the Honourable Sri Justice S.Ananda Reddy)

This appeal is filed by the writ petitioner-appellant aggrieved by the order of the learned single in not suspending the order passed by the 2nd respondent pending disposal of the appeal before the 1st respondent.

The writ petitioner is the appellant. He claims that he belongs to Kondakapu, which is one of the notified communities in the schedule tribe category. Basing on that, he secured employment in one of the public sector undertakings viz., B.H.E.L. Though, at the time of appointment, necessary enquiries were conducted, it appears that on a complaint made by a third party, the employer referred the matter to the 2nd respondent who initiated the enquiry and that after completion of the enquiry, an order was passed by him on 1.9.2004 declaring that the appellant does not belong to Kondakapu and canceling the certificate issued in her favour.

Under the provisions of section 7 of the Andhra Pradesh (S.C. S.T. & B.Cs.) Regulation of Issue of Community Certificates Act 1993 and Rules 1997, a statutory appeal is provided before the 1st respondent who has also got the power of staying the operation of the impugned order. The appellant, in fact, has filed an appeal before the 1st respondent along with a stay petition, but the said stay petition was rejected without giving detailed reasons.

The learned single Judge after considering the contentions, though set aside the order of the 1st respondent refusing to grant stay, but, however, without granting stay of operation of the order of the 2nd respondent, dated 1.9.2004, directed the appellate authority to dispose of the appeal within a period of four months. Hence, the present appeal is preferred by the appellant.

The learned counsel for the appellant contended that as the regular statutory appeal is pending before the 1st respondent, it is in the interests of justice to maintain status quo pending disposal of the appeal and sought for appropriate orders.

Heard the learned counsel.

As the order passed by the 2nd respondent is the subject matter of the statutory appeal, we are of the opinion that the order of the 2nd respondent impugned herein, shall not be given effect pending disposal of the appeal.

In view of the same, the order of the 2nd respondent in R.C.No:C5(M)4161/93, dated 1.9.2004, is suspended till the disposal of the statutory appeal pending before the 1st respondent.

Accordingly, modifying the order of the learned single judge to the extent as indicated above, this writ appeal is disposed of.

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Justice T.Meenakumari

30th December, 2004

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justice S.Ananda Reddy

Gurc.

To

1 The Govt of A.P.,rep by Additional Secretary Tribal Welfare Department, Secretariat, Hyderabad.
2 The Dist Collector, Hyderabad Dist Hyderabad.

3. Two C.Cs to the G.P. for Social Welfare, High Court Buildings, Hyderabad (OUT)

3. Two CD copies.

HONOURABLE SMT. JUSTICE T.MEENAKUMARI

&

HONOURABLE SRI JUSTICE S.ANANDA REDDY

W.A.No:2189 of 2004

(order pronounced by Sri Justice S.Ananda Reddy.)

30th December, 2004